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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/615,289	07/09/2003	Masahiko Kubota	03500.017379	7060
5514 7590 04/08/2008 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER HAMILTON, CYNTHIA				
ART UNIT		PAPER NUMBER		
1795				
MAIL DATE		DELIVERY MODE		
04/08/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

ATTACHMENT

Applicants have failed to submit a compliant amendment to the specification to correct the non compliant amendment of June 8, 2007 as required in Notice of Non-Compliant Amendment mailed August 29, 2007. Applicants did submit a drawing properly identified as "Replacement sheet" thus met that requirement of the Notice of Non-Compliant Amendment mailed August 29, 2007.

Three Notice of Non-Compliant Amendment have been mailed in this application.

The first Notice of Non-Compliant Amendment has a Doc Code of CTMS "Miscellaneous Action with SSP" mailed March 15, 2005 in which applicants were required to submit a Replacement drawing instead of the proposed drawing correction and were required to submit a proper amendment to the specification. This first Notice of Non-Compliant Amendment was signed by Examiner Cynthia Hamilton.

Applicants responded April 18, 2005 with another non-compliant amendment.

The second Notice of Non-Compliant Amendment was mailed out May 31, 2007 by the Legal Instruments Examiner, but no mention of the failure to present a Replacement Drawing was noted nor amendment to the specification notice made. No notice was taken of the marked up paragraphs apparently meant as specification amendment in applicants response of April 18, 2005 with a Doc Code of REM "Applicant Arguments/Remarks Made in an Amendment". Reference was made to the failure of all claims to be separately listed was given as reason for Notice of Non-Compliant Amendment.

Applicants responded in June 8, 2007 with another non responsive amendment to the specification and no Replacement Drawing. Applicants presented a clean copy of the amended specification for amendment and with their remarks set forth the marked up paragraphs. No amendment to the specification with required markings under 37 CFR 1.121 was submitted on June 8, 2007. The pages with marked up paragraphs are part of the Remarks section. There is no clear "Amendment to the Specification" on any of these pages with marked up paragraphs. The people responsible for separating out such an amendment to the specification did not recognize the marked up paragraphs as an amendment.

The examiner sent out a third Notice of Non-Compliant Amendment on August 29, 2007 again requiring a "Replacement Drawing" and a proper amendment to the Specification.

Applicants responded on October 25, 2007. Applicants argued that the marked up pages of paragraphs of June 8, 2007 were sufficient amendment to the specification. Applicants sent a Replacement Drawing but also argued that since the Replacement Drawing had been required then the examiner must have accepted the drawing corrections.

Thus, this application is held abandoned because applicants have failed to present a proper amendment to the Specification as required in 37 CFR 1.121 starting on a separate page and clearly marked Amendment to the Specification with the required markings showing deletions and additions as required. Applicants have been given two chances to correct the amendments to the specification and have failed to do so.

If applicants believe that they have presented such an amendment to the specification which meets the requirements of 37 CFR 1.121, then they need to petition the examiner's holding of abandonment under 37 CFR 1.181 (a) as a Petition to withdrawn

holding of Abandonment. See particularly MPEP 711.03 (c). All other issues of non-compliance have been addressed and removed by applicants.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cynthia Hamilton whose telephone number is 571-272-1331. The examiner can normally be reached on Monday through Friday 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on (571) 272-0729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cynthia Hamilton/
Primary Examiner, Art Unit 1795

April 1, 2008